

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KRISTY CAIN,

Plaintiff,

24-CV-781 JLS(Sr)

v.

MERCANTILE ADJUSTMENT BUREAU, LLC,

Defendant.

ORDER

Lippes Mathias LLP, moves to withdraw as counsel for defendant Mercantile Adjustment Bureau, LLC. Dkt. #9-1. In support of the motion, attorney Brendan Little declares that defendant informed Lippes Mathias LLP that it was terminating the attorney client relationship because Mercantile Adjustment Bureau LLC "would be ceasing operations and can no longer pay for our services." Dkt. #14-1. In accordance with Rule 83.2(b) of the Western District of New York Rules of Civil Procedure, the notice of motion and supporting papers have been served upon defendant by mail as well as by electronic mail. Dkt. #14-1.

It is well settled that corporate entities, including limited liability companies, may proceed in federal court only through an attorney; they cannot appear *pro se*. *Rowland v. California Men's Colony*, 506 U.S. 194, 202 (1993); *Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007); *Colton v. Fuller*, 21-CV-467, 2023 WL 6164224, at *2 (W.D.N.Y. Aug. 31, 2023). The failure of a corporation to retain counsel as required to defend a lawsuit provides grounds for default pursuant to Rule 55(a) of

the Federal Rules of Civil Procedure. *City of New York v. Mickalis Pawn Shop, LLC*, 645 F.3d 114, 130 (2d cir. 2011).

Accordingly, it is hereby **ORDERED** that:

- (1) the Clerk serve a copy of this Order upon Daniel Frisicaro, Chief Compliance Officer of Mercantile Adjustment Bureau, LLC *via* United States mail at 165 Lawrence Bell Drive, Suite 100, Williamsville, New York 14221 and *via* electronic mail at DFriscaro@mercantilesolutions.com; and
- (2) Within 30 days of the filing of this Order, defendant Mercantile Adjustment Bureau, LLC advise the Court whether it will continue to retain Lippes Mathias LLP or retain new counsel, who shall file a notice of appearance.

Defendant is forewarned that its failure to comply with the Court's Order will cause the undersigned to recommend the entry of default judgment against Mercantile Adjustment Bureau, LLC.

SO ORDERED.

DATED: Buffalo, New York
June 12, 2025

s/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge